

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

SALIM I. SINDHI

Plaintiff,

v.

KUNAL R. RAINA

Defendant.

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CIVIL ACTION NO. 3:15-cv-3229
JURY TRIAL DEMANDED

PLAINTIFF’S COMPLAINT

TO THE HONORABLE JUDGE OF SAID COURT:

Plaintiff SALIM I. SINDHI files his Complaint against Defendant KUNAL R. RAINA and for causes of action would show the following:

PARTIES

1. Plaintiff Salim I. Sindhi (“Plaintiff” or “Sindhi”) is an individual and a citizen of the United States. Sindhi does business under the name “bulletlink.com.” The business address for bulletlink.com is 103 Hillcrest Drive, Murphy, Collin County, Texas. Since 1999, Sindhi has provided a unique newspaper hosting platform through bulletlink.com that allows users to manage the content of newspapers published on the internet.

2. Defendant Kunal R. Raina is an individual of unknown citizenship who does business under the names “TechCruiser,” “TechCruiser Solutions,” and “techcruiser.com” (“Defendant” or “Raina”). Raina conducts business in the State of Texas and within the Northern District of Texas and he may be served at his business address: 616 Corporate Way, Valley

Cottage, New York 10989. On information and belief, Raina has also used the pseudonym “Steve Hamilton” in connection with the activities described below.

JURISDICTION AND VENUE

3. This Court has subject matter jurisdiction over Sindhi’s copyright infringement claim under 28 U.S.C. §1331 (federal question jurisdiction), and 28 U.S.C. § 1338(a) (jurisdiction over copyright actions). Additionally, the Court has jurisdiction over Sindhi’s claim for violation of the Texas Uniform Trade Secrets Act under 28 U.S.C. §1367(a) (supplemental jurisdiction) because the state law claim is so related to the copyright infringement claim that it forms part of the same case and controversy under Article III of the United States Constitution.

4. Venue is proper in this judicial district under 28 U.S.C. § 1391(b)(2) in that a substantial part of the events or omissions giving rise to this action have occurred, and are currently occurring, in this District as Raina has used, and is currently using, infringing materials for commercial gain in Dallas County, Texas. For example, among the newspapers published through Raina’s techcrusier.com website are the “Katy Trail Weekly” and the “White Rock Lake Weekly,” both of which are located in Dallas, Texas.

5. Personal jurisdiction over Raina comports with the United States Constitution because Raina is committing acts of copyright infringement and violations of the Texas Uniform Trade Secrets Act in this District.

FACTUAL BACKGROUND

6. In 1999, Sindhi developed a unique content management system (“CMS”) for the newspaper industry that allowed users to manage the content of their newspaper websites through Sindhi’s website, www.bulletlink.com. The source code for the bulletlink.com CMS was created by Sindhi and has been modified and updated by Sindhi and by others acting for him since 1999.

Sindhi and bulletlink.com have always maintained the proprietary and highly confidential bulletlink.com CMS code as a trade secret. In 2008, Sindhi opened an office in India to handle sales, product support, and further development of the bulletlink.com CMS.

7. Sindhi employed Raina as a manager for bulletlink.com from August 2008 through May 2012. During the period April 2009 through December 2012, Sindhi also employed Abhijeet B. Dighe (“Dighe”) as a web developer. As a result of his position, Dighe had full knowledge of the proprietary and highly confidential bulletlink.com CMS source code as well as bulletlink.com’s other trade secrets and confidential data. During their employment at bulletlink.com, Raina and Dighe used that knowledge and possession of the source code, trade secrets, and other confidential data to develop a competing CMS product and business using bulletlink.com resources located at bulletlink.com’s office.

8. In December 2012, Sindhi received an email from a former bulletlink.com employee advising Sindhi that someone had stolen the bulletlink.com CMS and had been using it to create a business based on the same business model as bulletlink.com. When Sindhi investigated the computers in bulletlink.com’s offices, he learned that Raina and Dighe had accessed and misappropriated the bulletlink.com CMS source code as well as the company’s other confidential data and information during their employment at bulletlink.com.

9. Raina copied the overall structure and appearance of the bulletlink.com CMS to create a competing CMS that is substantially similar to the bulletlink.com CMS. Defendant’s actions were taken while he was an employee of bulletlink.com and while working in its offices. Raina promotes and sells his pirated CMS under the names “TechCruiser” and “TechCruiser Solutions” and operates the www.techcruiser.com website to compete with bulletlink.com by offering newspapers and other potential bulletlink.com customers the same content management

services as bulletlink.com. By these actions, Raina acquired interests adverse to his employer and violated his duty of loyalty to his employer.

10. Upon information and belief, while Raina was accessing, using, and copying the bulletlink.com CMS source code for improper purposes, he was also improperly accessing, using, and copying bulletlink.com's customer lists, customer data and business model in an effort to grow his TechCruiser business and divert business away from his then employer, bulletlink.com.

11. Because Raina's continued use of bulletlink.com's CMS source code, trade secrets and other confidential information, and resources occurred after he acquired interests adverse to bulletlink.com, such use was outside the course and scope of his employment and was an unauthorized use of bulletlink.com intellectual property, trade secrets and resources.

12. A search of the www.whois.com database shows that www.techcruiser.com was created on January 31, 2011 and lists the following additional information for the site:

Registrant Name: Kunal Raina
Registrant Organization: TechCruiser Solutions
Registrant Street: 616 Corporate Way
Registrant Street: Suite 2-5518
Registrant City: Valley Cottage
Registrant State/Province: New York
Registrant Postal Code: 10989
Registrant Country: United States
Registrant Phone: 1-832-380-8950

At this time, it is not known if Dighe is currently involved in the ownership or operation of TechCruiser, TechCruiser Solutions or the www.techcruiser.com website.

13. A comparison of the www.bulletlink.com and www.techcruiser.com websites shows that they use the same business model, they offer essentially the same services to various newspapers, they use similar templates for customer websites, and they offer content management systems that are substantially similar. In addition, just as bulletlink-created websites often say "powered by bulletlink.com," TechCruiser-created websites often end with the tag line, "Powered

by TechCruiser.” For example, both the “Katy Trail Weekly” (<http://katytrailweekly.com>) and the “White Rock Lake Weekly” (<http://whiterocklakeweekly.com>) are “Powered by TechCruiser.” Through his infringing website, Raina has purposefully and intentionally diverted customers away from bulletlink.com.

14. On September 21, 2015, Sindhi filed a copyright registration for the bulletlink.com CMS source code with the United States Copyright Office. (U.S. Copyright Office Case No. 1-1993183351.)

15. All conditions precedent have occurred or been performed.

COUNT ONE: COPYRIGHT INFRINGEMENT

16. Sindhi incorporates all preceding paragraphs by reference.

17. Raina has used, copied, made derivative works of, sold, imported, and/or otherwise distributed unauthorized copies of the bulletlink CMS source code and has copied the overall structure of the bulletlink CMS in violation of 17 U.S.C. § 501 *et seq.*

18. Raina willfully committed the above-referenced infringing acts.

19. Sindhi was damaged by Raina’s copyright infringement of the bulletlink.com CMS.

20. Pursuant to 17 U.S.C. § 502, Sindhi is entitled to an injunction against Raina preventing further infringement of the bulletlink.com CMS source code.

21. Pursuant to 17 U.S.C. § 503, Sindhi is entitled to an order against Raina impounding and destroying all unauthorized copies of the bulletlink.com CMS source code and all copies of the TechCruiser CMS that were derived from the bulletlink.com CMS.

22. Sindhi is entitled to damages and profits through 17 U.S.C. § 504 including, without limitation, statutory damages, Raina’s profits, Sindhi’s lost profits, and/or a reasonable royalty.

23. Sindhi is entitled to costs and attorneys’ fees pursuant to 17 U.S.C. § 505.

24. Sindhi is entitled to an order requiring seizure and forfeiture of all infringing articles pursuant to 17 U.S.C. § 503.

25. Sindhi is entitled to all other relief available under the copyright statute and common law for copyright infringement, including enhanced damages.

COUNT TWO: VIOLATION OF THE TEXAS UNIFORM TRADE SECRETS ACT

26. Sindhi incorporates all preceding paragraphs by reference.

27. The bulletlink.com CMS source code, customer lists, customer data and business model (hereinafter collectively referred to as the bulletlink.com Trade Secrets”) are trade secrets as that term is defined in Tex. Civ. Prac. & Rem. Code § 134A.002(6).

28. Raina willfully misappropriated the bulletlink.com Trade Secrets by using such material without Sindhi’s express or implied permission and, at the time of such use, Raina knew that his knowledge of the bulletlink.com Trade Secrets was acquired under circumstances giving rise to a duty to maintain their secrecy and limit their use.

29. As a result of such willful misappropriation, Sindhi is entitled to injunctive relief, damages, and attorneys’ fees under Tex. Civ. Prac. & Rem. Code §§ 134A.003, 134A.004, and 134A.005.

**APPLICATION FOR PRELIMINARY AND
PERMANENT INJUNCTION, AND FOR IMPOUNDMENT ORDER**

30. Sindhi asks this Court to issue a preliminary and permanent injunction against Raina enjoining him from further infringement of the bulletlink.com CMS pursuant to 17 U.S.C. § 502 and the bulletlink.com Trade Secrets pursuant to Tex. Civ. Prac. & Rem. Code §§ 134A.003. Further, Sindhi seeks an order pursuant to 17 U.S.C. § 503 impounding all copies of the bulletlink.com CMS source code and all copies of the TechCruiser CMS that were derived from the bulletlink.com CMS in Raina’s possession or within his custody or control including, without

limitation, (a) all articles by means of which such copies of the bulletlink.com CMS source code may be reproduced; and (b) all records documenting the manufacture, sale, or receipt of things involved in any such violation, provided that any records seized under this subparagraph (b) shall be taken into the custody of the court.

JURY DEMAND

31. Pursuant to Fed. R. Civ. P. 38(b), Sindhi demands a jury trial of all issues so triable.

RELIEF REQUESTED

Plaintiff SALIM I. SINDHI respectfully request the following relief against Defendant KUNAL R. RAINA:

- A. a preliminary and permanent injunction enjoining Raina from further infringement of the bulletlink.com CMS source code pursuant to 17 U.S.C. § 502 and the bulletlink.com Trade Secrets pursuant to Tex. Civ. Prac. & Rem. Code § 134A.003;
- B. an order impounding all copies of the bulletlink.com CMS source code and all copies of the TechCruiser CMS that were derived from the bulletlink.com CMS source code and Trade Secrets in Raina's possession and all other items described in ¶ 30, *supra*, pursuant to 17 U.S.C. § 503;
- C. a judgment awarding Sindhi damages, including, but not limited to, a disgorgement of Raina's profits, pursuant to 17 U.S.C. § 504 and the bulletlink.com Trade Secrets pursuant to Tex. Civ. Prac. & Rem. Code § 134A.004;
- D. an award to Sindhi of all of his costs and attorneys' fees pursuant to 17 U.S.C. § 505, Tex. Civ. Prac. & Rem. Code § 134A.005, and/or any other applicable rule, statute or case law;
- E. an award to Sindhi of all general and statutory damages pursuant to 17 U.S.C. § 504(c)(2);
- F. an award of special damages to Sindhi arising from Raina's conduct including, but not limited to, lost profits, loss of good will, reliance damages, and incidental damages;
- G. pre-judgment interest;
- H. post-judgment interest; and

- I. such other and further relief, at law or in equity, as to which Sindhi may be justly entitled.

Respectfully submitted,

By: /s/ Steven N. Williams

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